



State of Arizona BOARD OF TECHNICAL REGISTRATION

1110 W. Washington Street, Suite 240, Phoenix, Arizona 85007
(602) 364-4930 FAX: (602) 364-4931 <https://btr.az.gov/>

- Jack Gilmore, Board Chair, Landscape Architect ● Michael Kolejka, Board Vice Chair, Architect
- Dana Klett, Land Surveyor ● Scott Sayles, Civil Engineer ● Bill Nesgood, Geologist
- Dr. Clinton Campbell, Public Member ● Jennifer Hobik, Esq, Public Member
 - Kileen Lindgren, Public Member ● Stacy Skankey, Esq, Public Member
 - Kent Wilson, Board Secretary, Public Member ● Vacant, Public Member

NOTICE AND AGENDA FOR REGULAR SESSION MEETING 1110 W. Washington Street, Board Room 245, Phoenix, Arizona 85007 **Tuesday, November 1, 2022 –9:00am**

The Arizona Board of Technical Registration will hold a regular meeting, open to the public at the Board's office, located at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

Please note that the cases on this agenda are categorized with staff recommendations for resolution. The Board has the authority to accept, reject, or modify any recommendation listed on the agenda. These recommendations are merely suggested Board actions; the Board may not adopt them, and may decide cases differently.

The Board may discuss, consider or take action on any item on the agenda, and at the discretion of the Board, agenda items may be taken out of order, except for those items set at a specific time.

The majority or a quorum of the Board may vote to hold an Executive Session to review confidential records exempt by law from public inspection, pursuant to A.R.S. § 38-431.03(A)(2); to obtain legal advice regarding any of the items on the agenda, pursuant to A.R.S. § 38-431.03(A)(3); or to discuss or consult with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. § 38-431.03(A)(4). All examination material, transcripts education records, reference forms and applications are confidential pursuant to A.R.S. § 32-129(A), and all investigation files are confidential and not subject to inspection until the matter is final and a hearing notice is issued (A.R.S. § 32-129(B)).

Pursuant to the Americans with Disabilities Act, people with disabilities may request a reasonable accommodation by contacting Kurt Winter at (602) 364-4883. Requests for reasonable accommodations should be made as early as possible to allow time to accommodate the request. The Board may not be able to accommodate requests made less than 36 hours prior to the scheduled meeting.

Concerns Relating to Meetings held at the Board and COVID-19

At this time, the Board will proceed with all scheduled public meetings and the public is still welcome to attend in person. However, COVID-19 may prevent those otherwise wishing to attend from doing so. The Board is therefore allowing individuals to attend remotely to ensure the public's right to attend and listen to the Board's deliberations and proceedings per A.R.S. § 38-431.01(A) and A.R.S. § 38-431(4).

The Board utilizes Google Meet for those wishing to attend the meeting remotely. A link to the Google Meet is on the Board's website btr.az.gov

Board staff posts meeting agendas on its website, the AZBTR's lobby (suite 240) and the meeting board located in the main entrance of the ADEQ building (1110 W. Washington St. Phoenix AZ 85007) in accordance with A.R.S. § 38-431.02. The Board suggests reviewing any meeting agenda before requesting a Google Meetup invitation.

Please note that all meetings are recorded and the recordings posted on the Board's website within three working days after the meeting in accordance with A.R.S. § 38-431.01(E).

1. CALL TO ORDER

2. ROLL CALL

3. CALL TO THE PUBLIC

Members of the public may address the Board during this Call to the Public for no more than **3 minutes**. Pursuant to A.R.S. § 38-431.01(H), the Board members are not allowed to discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. However, members may ask staff to review a matter or may ask that a matter be placed on a future agenda.

4. ADOPTION OF MINUTES

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 4(A-B).

- A. Approve, modify and/or reject, September 27, 2022 Board meeting minutes.
- B. Approve, modify and/or reject, September 27, 2022 Executive Session Board meeting minutes.

5. CONSENT AGENDA

Items listed on the Consent Agenda will be considered by the Board as a single action item unless a Board Member wishes to remove a specific item for review, discussion, and action separately from the other Consent Agenda items.

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 5(A).

A. LICENSING MATTERS

Review, Consideration and Possible Action on the following:

1. Cancel Registrations and Certifications that have been Expired for one Full Renewal Period
2. Grant Applications for Registration/Certification
 - a) Professional Exam unknown
 1. Louis, Daniel – Application for Registration as a Civil Engineer #225541
 2. Marz, Richard – Application for Registration as a Civil Engineer #225745
 3. Kelly, Peter – Application for Registration as a Mechanical Engineer #225904
 4. Sherman, Matthew – Application for Registration as a Civil Engineer #225723
 5. Greene, Robert – Application for Registration as a Civil Engineer #225707
 6. Reifer, Matthew – Application for Registration as a Civil Engineer #225353
 7. Jereb, Matthew – Application for Registration as a Civil Engineer #226043
 8. Watkins, Rebecca – Application for Registration as an Electrical Engineer #226019
 - b) Certificate(s) of Experience from non-Professionals
 1. Melvin, Eric – Application for Registration as a Chemical Engineer #225393
 2. Tran, Hung Thinh – Application for Registration as a Landscape Architect #225534
 3. Newman, Tyler – Application for Registration as a Civil Engineer #225522
 4. Janowiak, Jack – Application for Registration as an Architect #225320
 - c) Council Records – experience under non-Professionals
 1. Gao, Zhi – Application for Registration as a Mechanical Engineer #225751
 2. Madero, Frank – Application for Registration as a Mechanical Engineer #225771
 3. Mahmoudi, Megan – Application for Registration as a Mechanical Engineer #225760

4. Van Dyke, Kevin – Application for Registration as an Electrical Engineer #225798
5. Wiegert, James – Application for Registration as a Civil Engineer #225785
6. Danielsen, Stephen – Application for Registration as a Mechanical Engineer #225852
7. Spellicy, Kevin – Application for Registration as a Mechanical Engineer #225246

d) Background Review

1. Browne, William – Application for Universal Licensure as a Home Inspector #225713
2. Cardenas, Richard – Application for Universal Licensure as a Home Inspector #225763
3. Montes, Roger – Application for Registration as a Civil Engineer #225451
4. Nye, Scott – Application for Registration as an Architect #225536
5. Schwendig, Jayson – Application for Registration as a Mechanical Engineer #225888
6. Young, Zachary – Application for Certification as a Home Inspector #225762
7. Garbiso, Jesus – Application for Universal Licensure as a Home Inspector #225820
8. Berry, Katherine – Application for Registration as a Geological Engineer #225850
9. Ontko, Robert – Application for Registration as a Chemical Engineer #226027
10. Quinlan, Jacob – Application for Registration as a Geologist #224078
11. Valencia, Marco – Application for Certification as a Home Inspector #225590
12. Varathungarajan, David – Application for Registration as a Civil Engineer #226000

e) Disciplinary Action Review

1. Sheykhet, Aleksandr – Application for Registration as an Architect #225933
2. Kennedy, Kevin – Application for Registration as an Architect #225651

f) Multiple Considerations

1. Jewett, Ronald – Application for Registration as an Architect #225738
 - i. Disciplinary Action
 - ii. Background Review

3. Grant Universal Applications for Professional Registration/Certification

- a) Fipps, Zachary – Application for Certification as a Home Inspector #225192
- b) Lacey, Walter – Application for Registration as a Geologist #225773
- c) Miller, Kaleisha – Application for Registration as a Civil Engineer #225900
- d) Newberry, Jeffrey – Application for Certification as a Home Inspector #225779

4. Grant Renewal Registration Application(s)

- a) Background Review
Nothing to consider
- b) Disciplinary Action Review
 1. Kenney, John – Renewal Application for Mechanical Engineer Registration #55236

5. Approve Application(s) for Exam Waivers

- a) Application to waive Fundamental Exam
Nothing to consider
- b) Application to waive Professional Exam
 1. Hew, Min Chow – Application to waive 16-hour Structural exam #225538
 2. Maggert, Lee – Application to waive 16-hour Structural exam #225876
 3. Gray, Matthew – Application to waive 16-hour Structural exam #225858
 4. Landeros, Phillip – Application to waive PE Civil exam #225700
 5. Laymon, Jason – Application to waive SE II exam #225815

6. Approve Application(s) for Exam Authorization
 - a) Certificate(s) of Experience from non-Professionals
 1. Haines, Gordon – Application for FE exam authorization #225834
 2. Sydykov, Abyl – Application for PE Metallurgy exam authorization #225634
 3. Al Musawi, Mohammed – Application for ARE exam authorization #225875
 - b) Council Records – experience under non-Professionals
 1. DeGraff, Paul – Application for AZ State Specific LS exam authorization #225717
7. Approve Extension Requests
 - a) Goodale, Scotty – Application to waive PE Chemical exam #225266
 - b) Omar, Mahmoud – Application for Registration as an Architect #224896
 - c) Connick, Benjamin – Application for FG exam authorization #223305
 - d) Lozoya, Israel – Application for ARE exam authorization #211759

6. CONSIDERATION OF CASES REFERRED FOR FORMAL HEARING

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 6(A).

Formal Hearings and related proceedings will begin at 9:30am.

- A. Board to review and accept, modify, or reject decision of Administrative Law Judge:
1. P21-058, Ornelas, Eduardo #22461 and Arquitecto E.J. Ornelas & Associates Architect Firm, #11260

7. ENFORCEMENT MATTERS

Review, Consideration and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda items 7(A-F).

- A. Complaints Proposed for Resolution by Dismissal:
1. P23-027, Kevin Elverum, P.E. (Civil) #46604
 2. P22-082, Erik Koss, R.A. #40300 and Koss Design, #15555
 3. UK23-001, Glen Oak Apartments, Non-Registrant Firm
 4. UK23-002, Paragon Sweeping, Non-Registrant Firm
 5. UK23-003, Jose DeJesus, Non-Registrant and Safeway, Non-Registrant Firm
- B. Complaints Proposed for Resolution by Letters of Concern:
1. HI22-041, Randy Dimit, C.H.I. #60269
- C. Complaints Proposed for Resolution with Signed Consent Agreements:
1. P23-015, Jaydee Woods, Non-Registrant and 312 Architect & Design, #23979 (*Related Case P23-016*)
 2. P23-016, Kristopher Ontiveros, Non-Registrant and 312 Architect & Design, #23979 (*Related Case P23-015*)
 3. P23-013, Robert Edwards, Non-Registrant and Mojave Earth Solutions, Non-Registrant Firm
- D. Complaints Proposed to Offer Consent Agreement and Resolution by Letter of Concern:

1. P22-040, David Ellsworth, P.E. (Structural) #24470 and David M. Ellsworth, P.E., Non-Registrant Firm

E. Complaints Proposed to Offer Consent Agreement:

1. HI22-039, Celia Webb, C.H.I #71570 and Always Faithful Home Inspections, LLC #20330
2. HI22-017, Joseph Destito, C.H.I. #65045 and Old Pueblo Home Inspections, #24213
3. P21-016, Michael Nakhla, P.E.#33379
4. P22-049, Monica Acuna Arizmendi, Non-Registrant
5. P23-019, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm (*Related case P23-020*)
6. P23-020, Ivonek Badilla, Non-Registrant and Evo Design 12th Street Studio, LLC, Non-Registrant Firm (*Related Case P23-019*)

F. Consideration to Lift Stay of Revocation:

1. AL20-003, Paul Skaggs, A.A. 65881 (Suspended)

8. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

The Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(2) (to discuss confidential information), A.R.S. § 38-431.03(A)(3) (to receive legal advice) on agenda item 8(A). Additionally, the Board may vote to enter executive session pursuant to A.R.S. § 38-431.03(A)(4)(discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation) on agenda item 8(A).

- A. Arizona Supreme Court Docket No. CV-21-0203-PR, 1 CA-CV 20-0510 & CV 2019-013509 – Mills v. Arizona State Board of Technical Registration
- B. 2023 Board Meeting Dates

9. DIRECTOR'S REPORT

- A. Budget Update
- B. Previous Meeting Follow-Up
 - a. Online Transition
 - b. Board Staff Updates
 - c. Staff follow-up from 9/27/22
 - d. Board Composition
- C. Licensing Numbers
- D. Enforcement Numbers
- E. List of Newly Granted Applicants
- F. Mandatory Board Member Training

10. BOARD CHAIR'S REPORT

11. ASSISTANT ATTORNEY GENERAL'S REPORT

- A. Board training

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee
- B. Home Inspector Rules and Standards Committee

13. BOARD MEMBER REPORTS/DISCUSSION ON OUTSIDE NATIONAL COUNCIL ACTIVITIES, NEWS AND MEETINGS

- A. National Association of State Boards of Geology (ASBOG)
- B. Council of Landscape Architectural Registration Boards (CLARB)
- C. National Council of Architectural Registration Boards (NCARB)
- D. National Council of Examiners for Engineering and Surveying (NCEES)
- E. American Council of Engineering Companies of Arizona (ACEC Arizona)

14. FUTURE BOARD MEETINGS – December 6, 2022

15. SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.

16. MEETING ADJOURNMENT